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The Women's Local Government Society.

WOMEN AS JURORS.

Until 1919, in which year the **Sex Disqualifications (Removal) Bill** became law, the word **Juror** meant "Male person only." By the new Act women, if otherwise qualified, were rendered eligible to serve as jurors.

Various historical origins are assigned for the system of Trial by Jury, some authorities even ascribing it to the time of Alfred the Great. The probability is that, while this is a primitive form of investigating guilt which is to be found among the peoples of all nations, the system, as we know it, came to us directly from the *Frankish Inquest* of the Norman kings.

There are three kinds of Juries which deal with crime (a) the Coroner's Jury, (b) the Grand Jury, (c) the Petty or Transverse Jury.

The Coroner's Jury consists of not less than twelve, and not more than twenty-three persons summoned by the Coroner to investigate cases of sudden death. This Jury is not included within the Juries' Acts, but comes under a special Coroners' Act, 1887. The only qualification for service would seem to be that the jurymen must be "good and lawful" persons, householders in the district concerned. The finding of the Coroner's Jury against an accused is legally competent as an indictment; but usually a warrant is also issued in the ordinary way (i.e., by the Justices).

The Grand Jury is the **criminal** jury, and consists of not less than twelve, and not more than twenty-three persons. The chief duty of this Jury is to judge whether there is a **prima facie** case in every written accusation, i.e., bill of indictment, laid before them. They may pronounce either that the bill of indictment is a "true bill," or that there is "no bill." If their decision is the former, the case goes forward for trial before a petty jury: if the latter, the case is dismissed. Twelve grand jurors must agree in the finding.

At County Quarter Sessions the qualification is the same as that required for ordinary jurymen. At Assizes or at the Borough Quarter Sessions there is no property qualification. In general practice the Grand Jury at Assizes consists of County magistrates, and in the Quarter Sessions of selected ordinary jurors, persons of recognised standing.

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The Petty or Transverse Jury is the Trial Jury.

All jurors must be called on for *either civil or criminal cases*. In the criminal cases they are usually called *petty* jurymen, and in civil cases, *common* jurymen. Further, in *civil cases* at Assizes there may be a demand for a panel of *special* jurors, who are selected from the ordinary list, but are of a definite social standing. The usual fee of a special jurymen is not more than a guinea for each cause, and a *special* jury is never called for in *criminal cases*, except in the rare event of the indictment being in the King's Bench Division.

Qualification for the Petty Jury. In order to be eligible to serve on the Petty Jury in criminal cases (or the common jury in civil cases) the person, now man **or** woman, must be (1) over 21 years of age, (2) the owner in fee or for life of lands or tenements worth £10 a year, or of long leaseholds worth £20 a year, or else the occupier of a house rated at £20 (in Middlesex £30).

There are certain exemptions. Persons over 60 years (65 years until "the end of the war") may claim exemption. The presiding magistrate may grant exemption to a woman making application on the ground of the nature of the case to be tried. Peers, Members of Parliament, Justices of the Peace, priests, ministers, barristers, medical practitioners and surgeons, soldiers, public officials, etc., are exempt. The list is a long one, based for the most part on the principle that those are exempt who are engaged in public work of such a nature that their withdrawal would be a serious inconvenience to the public.

Preparation of Lists of Jurors. The overseers (in London the Clerk to the Metropolitan Borough Council) for the several parishes and townships within the administrative county are required by precept from the Clerk to the County Council to prepare a true list of those qualified. That list must be affixed to the principal door of every public place of worship on the first three Sundays of September. At a special Petty Sessions held in the last week of September the lists are revised, and corrections admitted, by the Justices. They are then sent to the Clerk to the County Council, copied into the Jurors' Book, and delivered to the Sheriff, to be used for one year from the following first of January.

The Summons to serve must be issued at least six days, or, if sent by post, eight days, before the day of required attendance.

If the jury is not complete at the appointed time, the judge may direct that other jurymen be secured immediately without notice. These are called "talesmen."

Failure to obey the summons renders the person summoned liable to a fine of £10 or more, unless good excuse is forthcoming.

The offences triable by Petty Jury are those which are known as indictable offences, and include all the more serious crimes, e.g., burglary, arson, murder, etc.

The gravest crimes, such as murder, are tried at the Assize or Circuit Court (at the Central Criminal Court for London and Middlesex). Other Jury cases may be taken at Quarter Sessions. In the case of offences tried at the Police Court, but punished by more than three months' imprisonment, the accused may appeal to be *tried by Jury*. On the other hand, certain indictable crimes, if committed by children, or young persons, or even by adults if they plead guilty, may be dealt with summarily at the Police Court.

Challenge. The accused has a right to challenge the jurors as to qualification or disinterestedness. They are then individually sworn.

The presiding magistrate may on application made to him, or at his own instance, order that the jury shall be composed of men only, or women only.

Duties of Petty Jury. The accused may refuse to plead. A jury must then be empanelled to decide whether he is fit to plead or whether he "stands mute" of malice or "by the visitation of God." If he is wilfully silent, a plea of "not guilty" is found for him so that the case may proceed. In general, it is the duty of the Jury to consider and weigh the facts brought before them; it is for the judge to assess the punishment.

Verdict. The formula of the verdict is "guilty" or "not guilty" except in the case of insanity, when the Jury may return a verdict of "guilty but insane." If the accusation is divided into counts, the Jury may pronounce on these separately or taken together.

If the Jury cannot arrive at agreement in open court, they retire with a bailiff sworn for the purpose. During retirement, no one may speak with them. Agreement must be unanimous. In trials for murder, treason, or treason felony, the jury may not separate until they have found a verdict, unless they are discharged by the Judge, having found it impossible to agree. In the case of misdemeanours, and even certain more serious crimes, the Court may permit the jurors to separate.

There is no remuneration. No person may be summoned to serve on any Jury (except a Grand Jury) more than once a year. In some counties the interval is longer.

In Ireland the system of trial by Jury has followed the English law. A much greater use of the accused's right of challenge is made in Ireland than in England and Wales.

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In Scotland the **criminal assize** means **Trial by Petty Jury**. The Jury consist of **fifteen** jurors. Verdicts need not be unanimous. The Jury may return a verdict of "not proven." This verdict has the same legal effect as "not guilty," but leaves, as is probably intended, a moral stigma.

The number of trials by Jury is now considerably lessened by the opportunity given to accused to accept summary jurisdiction by pleading guilty in a Court of Petty Sessions, and also by the powers of summary jurisdiction in the case of children and young persons.

Trial by Jury has always been regarded as one of the safeguards of liberty. Women will not hesitate to accept this call to duty, even though that duty must at times be both painful and pitiful. On behalf of future generations, they are deeply concerned in the evenhanded administration of justice. Further, when women are being tried, or when women are giving evidence, it is especially fitting that women should be among those who hear the evidence, and judge upon its value.

MARGARET ROSS,

Hon. Secretary, Women's
Local Government Society.

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